

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LINDA G. ANDERSON,

Plaintiff,

v.

FIRST FRANKLIN, a Division of National
City Bank of Indiana, et al.,

Defendants.

Case No. 2:09-cv-11096

HONORABLE STEPHEN J. MURPHY, III

**ORDER AFFIRMING AND ADOPTING REPORT AND RECOMMENDATION [docket
no. 20] AND GRANTING DEFENDANTS' MOTION TO DISMISS [docket no. 14]**

This is an action for constructive fraud brought by a borrower against her lender and the assignees of her mortgage, following the foreclosure of her mortgage and subsequent Sheriff's sale of her home. Plaintiff Linda G. Anderson has named First Franklin, First Franklin Financial Corporation, Deutsche Bank National Trust Company and Home Loan Services, Inc. as Defendants. The action was filed by Anderson in Wayne County Circuit Court on March 9, 2009 and removed to this Court by defendants pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, based on the diverse citizenship of the parties. Before the Court is defendants' motion to dismiss, filed on May 8, 2009, and the Report and Recommendation of Magistrate Judge Paul Komives, filed on January 29, 2010. The magistrate judge's report and recommendation recommended that the motion to dismiss be granted for failure to state a claim. The Magistrate Judge also notified the parties that any objections must be filed within fourteen days of service. No party has filed objections to the report and recommendations.

The Court's standard of review for a magistrate judge's report and recommendation depends upon whether a party files objections. If a party does not object to the report and

recommendation, the Court does not need to conduct a review by any standard. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Because neither party filed timely objections to Magistrate Judge Komives' report and recommendation, see 28 U.S.C. § 636(B)(1)(c); Fed. R. Civ. P. 6(e), this Court need not and will not conduct a review.

ACCORDINGLY, IT IS HEREBY ORDERED that the Report and Recommendation [docket entry 20] is **ACCEPTED** and **ADOPTED** as the opinion of this Court.

IT IS FURTHER ORDERED that defendants' motion to dismiss [docket entry 14] is **GRANTED**.

s/Stephen J. Murphy, III
STEPHEN J. MURPHY, III
United States District Judge

Dated: February 26, 2010

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on February 26, 2010, by electronic and/or ordinary mail.

Alissa Greer
Case Manager